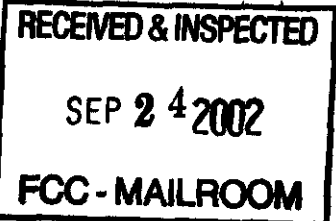


Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of) MB DOCKET NO. 02-284
)
WHITEHALL ENTERPRISES, INC.) File No. BAL-20010817A
(Assignor))
)
and)
)
CLEAR CHANNEL BROADCASTING) Facility ID No. 72276
LICENSES, INC.)
(Assignee))
)
For Consent to Assignment of License of)
WAAM(AM), Ann Arbor, MI)



PREHEARING ORDER

Issued: September 19, 2002 Released: September 23, 2002

The captioned case is conditionally set to be heard under Hearing Designation Order FCC 02-251, released September 18, 2002 ("HDO") to determine whether the public interest, convenience and necessity would be served by the proposed assignment. A formal, on-the-record, evidentiary hearing will be conducted provided that the assignment parties do not within **20 days** jointly elect to defer consideration of the assignment application. See HDO at ¶53.¹

The parties also are authorized to amend their applications within **15 days** from the HDO's mailing. See HDO at ¶54. If the assignment parties elect to file additional materials and do not elect to defer, they shall submit a Status Report by **October 8, 2002**, summarizing the status of the assignment application, as supplemented, and briefly explaining how the new materials remove competitive concerns of the HDO. Any Response or Comment by the Enforcement Bureau should be filed by **October 15, 2002**.

¹ The Presiding Judge is to be notified on the same day that any such election is filed. Notification by courtesy copy should be sent by fax to OALJ at (202) 418-0195.

If the parties do not elect to defer adjudication, a Prehearing Conference will be held on **October 31, 2002**. See Order FCC 02M-87, issued September 19, 2002. Counsel appearing at the conference shall have filed a Notice of Appearance in accordance with 47 C.F.R. §1.221.² Counsel at the conference shall include lead litigation counsel for the hearing.

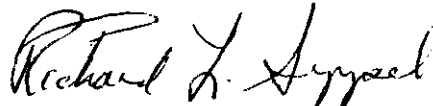
The Federal Rules of Civil Procedure and Federal Rules of Evidence with respect to expert witnesses shall be utilized, where applicable and appropriate, to facilitate discovery (e.g., data compilation and bases for expert opinions), while respecting privileges.³ Shortened methods of proof are the goal, and counsel may agree to categories of proof, summaries, and evidentiary procedures which utilize proxy or surrogate evidence.

Counsel are urged to agree to use frozen written direct testimony and deposition testimony as evidence where possible and practicable.

Finally, there shall be a schedule set for completion of document and deposition discovery (including depositions of expert witnesses), submission of trial briefs, exchange of cases in chief, notification of witnesses for cross-examination, and dates for hearings. Counsel for the assignment parties shall consult with Bureau counsel and the parties shall submit jointly a proposed schedule by **October 28, 2002**.

SO ORDERED.⁴

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel
Chief Administrative Law Judge

² Notices of Appearance are to be filed on or before **October 8, 2002**. See HDO at ¶55. Copies of Notices of Appearance are to be faxed to the Presiding Judge on the date filed.

³ See, e.g., FRCP 26(a)(2) (disclosure of expert testimony) and FRCP 26(b)(4)(5) (trial preparation, experts, privilege and protection). See also FRE Rules 701 – 705, and Rule 1006.

⁴ Courtesy copies of this Prehearing Order were e-mailed to counsel of record on date of issuance.